IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31538 of 2008

1. AKHILESH KUMAR MANDAL
2. Daya Nand Mandal
3. Upendra Mandal ..... Petitioners

Versus

STATE OF BIHAR

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4. 26.11.2008 Heard the learned Counsel for the petitioner and the learned counsel for the State.

The petitioner apprehends arrest in a Police case under Sections 406, 420 and 468/34 of the Penal Code.

The defence is of false implication. The case diary contains no material of the alleged pass book.

Learned Counsel for the State does not controvert the submissions from the case diary.

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The allegations are specific of a Non Banking Finance Company duping the investors. The Court refrains from making any comments on the investigation when the FIR itself originates on reference and details of the pass book which does not find mention in the case diary at all.

This application is rejected.

At this stage learned Counsel for the petitioner urged that if the investigating officer has faulted in discharge of his duties the petitioner should not be penalized for it and that this aspect of the matter be considered before disposing off this application.

This Court had earlier observed that considering that it was a bail matter it was refraining from making observation on investigation. Since the learned Counsel for the petitioner insists upon it the Court proceeds to do so.

The allegations are specific with regard to a pass book and entries in the pass book. Quite naturally the Investigating Officer was required to ask the informant about it if the informant did not produce it. The Investigating Officer was not to act as a dummy. This Court has serious reservations of the manner in which the investigation is being done.

This Court therefore directs the Superintendent of Police, Katihar to examine the aforesaid aspects himself and proceed against those concerned.

Snkumar/-

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(Navin Sinha,J.)